

BOARD OF PRIVATE DETECTIVES AND GUARDS

Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Thursday, November 8, 2012

Time: 10:30 a.m.

Place: Exam Room
King Kalakaua Building
335 Merchant Street, 3rd Floor
Honolulu, HI 96813

Present: Douglas Inouye, Public Member, Chairperson
Gary Yabuta, Chief of Police, County of Maui, Vice Chairperson
Darryl Perry, Chief of Police, County of Kauai
Edward Akiona, Industry Member
Jeffrey Owens, Industry Member
Rodney J. Tam, Deputy Attorney General
Charlene L.K. Tamanaha, Executive Officer
Christine Hironaka, Secretary

Excused: Ray Galas, Public Member

Guests: None

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor as required by §92-7, Hawaii Revised Statutes ("HRS").

Call to Order: There being a quorum present, the meeting was called to order at 10:30 a.m. by Chairperson Inouye.

Additions to
Or Deletions
From the Agenda:

It was moved by Vice Chairperson Chief Yabuta, seconded by Chief Perry and unanimously carried to add to add the following guard instructor applicants to the agenda:

4. Applications
 - b. Guard Instructor
 - 8) Rudy J.K. AKINA
 - 9) Misty-Leigh L. CARTER
 - 10) Irving G. EASTMAN, Jr.
 - 11) David HEAUKULANI
 - 12) Mark C. LAFITA

- 13) Samuel G. MCKEAGUE
- 14) Karen Y. NISHIZAWA
- 15) Julio R. SAENZ
- 16) Joseph TAVARES, Jr.
- 17) Richard C.F. WONG

Approval of the
Board Minutes:

It was moved by Chief Perry, seconded by Vice Chairperson Chief Yabuta, and unanimously carried to approve the minutes and executive session minutes of the October 22, 2012 meeting as circulated.

Executive Session:

It was moved by Vice Chairperson Chief Yabuta, seconded by Chief Perry, and unanimously carried to enter into executive session pursuant to HRS §§92-4 and 92-5, to consider and evaluate personal information relating to the applicant applying for licensure at 10:35 a.m.

EXECUTIVE SESSION

It was moved by Vice Chairperson Chief Yabuta, seconded by Chief Perry, and unanimously carried to reconvene to the Board's regular order of business at 10:40 a.m.

Applications

a. Review for Examination

It was moved by Mr. Owens, seconded by Chief Perry and unanimously carried to **approve** the following applications for examination:

Guard

- i. Rosalind CAMACHO
AKAL Security Services Inc. (GDA-575)
- ii. Brian Kenneth LIAGA Sr.
Hawaii Security Services Inc.
- iii. Leigh K. WESTBROOK
Westbrook Security Inc. (GDA-807)

b. Guard Instructor

It was moved by Chief Perry, seconded by Vice Chairperson Chief Yabuta and unanimously carried to **approve** the following as Guard Instructors for posting to the Board's website.

Lee K. BURGWINKEL
Steven K. CUMMINGS
Kendall W. FROST
Mark C. LAFITA
Samuel G. MCKEAGUE

Edward J. RIVERA
Jose J. SOLORIO

It was moved by Chief Perry, seconded by Vice Chairperson Chief Yabuta and unanimously carried to **approve** the following as Guard Instructors for posting to the Board's website pending receipt of the application fee or high school verification.

Rudy J. K. AKINA – Pending High School verification
Irving G. EASTMAN, Jr. – Pending High School verification
David HEAUKULANI – Pending \$50 application fee
Karen Y. NISHIZAWA – Pending High School verification
Joseph TAVARES, Jr. – Pending High School verification
Richard C.F. WONG – Pending High School verification

It was moved by Chief Perry, seconded by Mr. Owens, and unanimously carried to **defer** the following Guard Instructor applications for additional documentation to verify the requisite experience.

Misty-Leigh L. CARTER
Gerald S. RICCMANI
Julio R. SAENZ
Ro Rabici L.S.L. VUIKADAVU

The Executive Officer requested clarification from the Board regarding experience verifications for former law enforcement officers. A notarized experience verification for a former law enforcement officer was completed by his former supervisor for the actual period of supervision and not by the human resources department of the Honolulu Police Department ("HPD"). After some discussion the Board agreed that the experience verification completed by the former supervisor could be accepted in lieu of the HPD human resources verification.

c. Guard Instructor Ratification

It was moved by Vice Chairperson Chief Yabuta, seconded by Chief Perry, with a vote of 4 for with Mr. Owens recusing himself to **approve** and **ratify** the following Guard Instructors and dates of approval.

Rufus L. ALEXANDER – 10/26/12
Jim A. CARLTON- 10/26/12
Jerald K. DOLAK – 10/26/12
Roy K. HELEPOLOLEI – 10/26/12
Robert M. IMOTO – 10/26/12
Edward J. LINGO – 10/31/12
Shane Y. MURAMARU – 10/26/112
Jeffrey B. OWENS – 10/23/12

Fay TAMURA – 10/26/12
Russell TANJI – 10/26/12
Derrick K. TSUKAYAMA – 10/26/12
Bryan S. WAUKE – 10/26/12

Legislation:

- a. Act 208 (S.B. No. 2165) and any matters relating to the implementation of Act 208.

1) **High School Education or Equivalent**

The Board reviewed the draft recommended by the Ad Hoc Committee to meet the High School Education Requirement distributed by Deputy Attorney General Tam.

Deputy Attorney General Tam stated that #2 is an option if the applicant could not get any of the documents listed in #1 and some of the wording was taken from the Department of Human Resources Development's Adult Corrections Officer II, IV, V, VI, VII Basic Education Requirement. The Board discussed the Ad Hoc Committee's recommendation to deem four (4) years of work experience requiring the ability to read, comprehend, and apply written directions and to have a reasonable degree of verbal skills as equivalent to a high school education. They concurred; however felt understanding oral instructions and the ability to prepare written reports should be included as follows:

“Has at least four (4) years of work experience requiring the ability to read, comprehend, apply written directions, understand oral instructions, has reasonable verbal skills and the ability to prepare written reports.”

It was moved by Mr. Owens, seconded by Mr. Akiona and unanimously carried to adopt the following position regarding the documents that will be accepted to verify a high school education and to establish the requirements that will be accepted in lieu of the high school documents noted:

HIGH SCHOOL EDUCATION OR ITS
EQUIVALENT REQUIREMENT

An individual applying to register as a guard under Act 208 (SLH 2010) satisfies this requirement if the individual:

1. Graduated from high school or obtained a GED certificate, or

- a. The individual would have to submit any of the following:
 - i. Certified copy of a high school diploma or certificate of graduation;
 - ii. Certified transcript of high school record;
 - iii. Certified copy of a GED certificate;
 - iv. Letter (on official letterhead) from the individual's high school/DOE stating that the individual graduated from high school or obtained the GED certificate;
or
 - v. Certified copy of an associate's, bachelor's, master's, or doctorate degree.
 - *vi. DD214 verifying a high school education. (See discussion on page 11)

- 2. Has at least four (4) years of work experience requiring the ability to read, comprehend, apply written directions, has reasonable verbal skills and the ability to prepare written reports.
 - a. This experience could be obtained in any field or industry, and would have to be certified or attested to by the individual's employer.

The Board discussed deeming 4 years of military experience as equivalent to a high school education as the enlisted must have the ability to read, comprehend, apply written directions, have a reasonable degree of verbal skill and be able to write clear factual reports.

Deputy Attorney General Tam indicated that he will incorporate the Board's suggestions and provide a new draft at the Board's next meeting.

The Executive Officer added that these certifications must be notarized.

2) **Acceptable Time Frame for Criminal Histories**

The Executive Officer informed the Board that the Hawaii Criminal Justice Data Center will have criminal abstracts available for four (4) months or 120 days. Therefore, applicants must submit their applications within 30 days of requesting their criminal background checks and the Licensing Branch will have time to retrieve the information.

The Board discussed if the following credentials should be accepted by the Board in lieu of an additional Livescan/Criminal History check for guard registration.

1. Airport Operations Area – AOA badge used by airport security officers (ASO's), traffic control officers (TCO's), and law enforcement officers assigned to the state contract (LEO's).
2. Customs/Border Patrol e-badge seal (CBPE badge) used by Duty-Free Shoppers security officers and airport contract law enforcement personnel
3. Harbors. Transportation Worker Identification Card – TWIC.
4. Banks and financial institutions and public utilities

Mr. Owens stated that private employers do not have access to federal background checks and Chief Yabuta also stated that applicants cannot get a copy of their background checks from a third party.

Chairperson Inouye left the meeting at 11:15 a.m.

After further discussion, the Board agreed that since the onus is on the Board to determine if a crime is related to the profession, every applicant must submit to a criminal background check with the application and no other credentials will be accepted.

3. Criminal Convictions

The Board reviewed the list of Misdemeanor Convictions That Would Not Require Board Review recommended by the Ad Hoc committee to expedite the review of guard applications.

The Board reiterated that all applications with felony convictions will be reviewed by the Board.

It was moved by Mr. Owens, seconded by Chief Perry, and unanimously carried to approve the list of Misdemeanor Convictions That Would Not Require Board Review with the deletion of "wet reckless".

MISDEMEANOR CONVICTIONS THAT WOULD **NOT REQUIRE** BOARD REVIEW

Failure to appear	
Contempt of court	
Driving related but not limited to	<ul style="list-style-type: none"> • DUI (driving under the influence) • OUI (operating under the influence) • DWI (driving while intoxicated) • DWAI (driving while ability impaired) • Drunk driving • Driving while BAC (blood alcohol content) any • Wet reckless • Chemical test revocation Non felony traffic convictions <ul style="list-style-type: none"> • Driving without insurance card • Driving under the influence of drugs/controlled substance • Under influence of controlled substance • Driving while impaired (drugs/controlled substance) • Operating while under the influence of drugs/controlled substance
Substance abuse	
Controlled substances violations	
Harmful intoxicants	
Minor related but not limited to...	<ul style="list-style-type: none"> • Under age drinking • Under age drinking and driving • Minor in possession of alcohol • Unlawful sale of alcohol to minor • Contributing to delinquency

	<ul style="list-style-type: none"> • Purchasing alcohol beverages for a child/minor • Unlawful sale of tobacco to minor
Miscellaneous alcohol related including, but not limited to...	<ul style="list-style-type: none"> • Possession of alcohol • Open container • Drunk in public • Intoxicated in public
Failure to charges, including, but not limited to...	<ul style="list-style-type: none"> • Failure to pay child support • Failure to pay income tax • Failure to file income tax • Failure to appear • Failure to identify
Criminal mischief	
Illegal gambling	
Loitering	

Mr. Owens asked that the Board review the following list he compiled of proposed sections of Hawaii criminal, traffic and other laws contained in the Hawaii Criminal and Traffic Law Manual that may not need review by the Board. Deputy Attorney General Tam will review Mr. Owens' proposed list.

The following sections of Hawaii criminal, traffic and other laws contained in the Hawaii Criminal and Traffic Law Manual are proposed as ones that may be accepted for guard registration by the Board of Private Detectives and Guards staff without prior review by the Members of the Board. The list is not proposed as all inclusive and is offered for consideration and discussion by the Board Members; additions and deletions can be proposed by other Board Members. In the interest of simplification some sections run sequential numbers (i.e. ###-1 to ###-30) any Felony conviction within those are not intended to be included and shall be referred to the Board for review.

Section

- 19-1 to 19-9 Election Offenses
- 183D-1 to 183D-65 Forestry & Wildlife, Recreation Areas, Fire Protection
- 188-1 to 188-71 Fishing Rights & Regulations
- 189-2 to 189-16 Commercial Fishing
- 195D-7 to 195D-9 Conservation of Aquatic Life, Wildlife and Land Plants
- 199-1 to 199-7 Conservation & Resources Enforcement Program
- 200-18, 200-21 to 200-96 Ocean Recreational & Coastal Areas Programs
- 243-1 to 243-16 Fuel Tax Law
- 249-1 to 249-34 County Vehicular Taxes
- 263-9 to 263-11 & 263A Aeronautics

- 263A-1 to 263A-10 Alcohol and Aviation Safety
- 271-1 to 271-38 Motor Carrier Law
- 281-1 to 281-114 Intoxicating Liquor
- 286-1 to 286-271 Highway Safety
- 287-1 to 287-48 Motor Vehicle Safety Responsibility Act
- 288-1 to 288-8 Common Carriers, Compulsory Insurance
- 289-1 to 289-8 Used Motor Vehicle Parts and Accessories
- 290-1 to 290-12 & 290-21 to 25 & 290-41 to 290-45 Abandoned Vehicles
- 291-1 to 291-58 Traffic Violations
- 291C-1 & 291C-227 Statewide Traffic Code
- 291E-1 to 291E-65 Use Of Intoxicants While Operating A Vehicle
- 293-1 & 293-2 Bicycles
- 328K-1 to 328K-22 Smoking In Public Places
- 329-62 & 329-63 & 329-66 & 329-68 & 329-104 & 329-121 to 329-128 Uniform Controlled Substances Act
- 707-706 Negligent Injury 2nd degree
- 707-714.5 Criminally Negligent Storage of a Firearm
- 708-829 Criminal Littering
- 709-900 Illegally Marrying
- 709-903 Persistent Non-Support
- 709-908 Tobacco - Minor
- 710-1011 Refusing to aid a law enforcement officer
- 710-1012 Refusing to aid in fire control
- 710-1014 Rendering a false alarm
- 710-1027 Resisting an Order to Stop A Motor Vehicle
- 710-1077 Criminal Contempt of Court
- 711-1101 Disorderly Conduct
- 711-1102 Failure to Disperse
- 711-1104 Unlawful Assembly
- 711-1105 Obstructing
- 712-1200 Prostitution
- 712-1206 Loitering for the purpose of engaging in or advancing prostitution
- 712-1207 Street solicitation of prostitution,; designated areas
- 712-1211 Displaying Indecent Matter
- 712-1214 Promoting pornography
- 712-1222 Promoting gambling in the second degree
- 712-1223 Gambling

4. **Law Enforcement Agencies Exempt from Act 208**

The Board agreed that all federal agency employees acting in a guard capacity on federal property, are not subject to HRS Chapter 463 (Act 208) and should not be included in the list unless the employer is a subcontractor and is required to be in compliance with state laws.

5. **Impact-Hi, LLC – Revised Test & Student Manual**

The Board reviewed the corrections to revised test and student manual and reconfirmed its approval.

6. **Email inquiry regarding Quality Control for Act 208**

The Board reviewed Mr. Heaukulani's email offering to volunteer his time to be a Board appointed monitor to report on the quality of guard training of randomly selected companies.

Mr. Owens commented that private entities should monitor their own quality control and it is the responsibility of RICO to respond to complaints.

The Board concurred and thanked Mr. Heaukulani for his offer; however will advise him that it is the approved program's responsibility (Solutions-4-Security) to monitor for quality, those companies who were authorized to teach the course.

7. **Email inquiry regarding Certificate and Website listing**

Mr. Owens stated that Solutions-4-Security is not "in partnership with" the University of Hawaii Community College System or Transcend, Inc. and the licensing agreement with Solutions-4-Security states that no partnership has been agreed to.

The Executive Officer stated that "In partnership with" will be changed to "Taught and provided by" on the Board Approved Security Guard Training Curricula document posted on the Important Announcements page of the Board's website. She also indicated that Solutions-4-Security should advise the Board of any other company to whom a licensing agreement exists.

8. **Guard Employee Registration Fees**

The Executive Officer presented to the Board the following Guard Employees Registration Fees:

Application Fee	\$10
Registration Fee	\$45
Renewal Fee	\$30/\$15

Compliance Resolution
Fund ("CRF") Fee \$36/\$18

1. If a registration is issued between July 1, even-numbered year to June 30, odd-numbered year, an applicant shall pay \$96
(*Registration fee - \$45, CRF - \$36, 1/2 Renewal fee - \$15*)
2. If a registration is issued between July 1, odd-numbered year to June 30, even-numbered year, an applicant shall pay \$63
(*Registration fee - \$45, CRF - \$18*)

Deputy Attorney General Tam stated that the average cost for a Guard Employee would be \$215 (\$64 - Fieldprint, \$96 - registration fee, \$10 - application fee, \$45 - course fee).

The Executive Officer stated that (\$36/\$18) is one of the lowest for any license or registration, \$45 covers the staff review time and the CRF might increase depending on workload for RICO which only time will tell.

Mr. Owens stated that some companies will pick up the entire cost for employees while some companies will pay only for the course and leave all other fees to the employee.

9. **Ad Hoc Committee Report**

The Executive Officer reported that the Ad Hoc committee worked on the language for the high school education equivalency document and asked the Board if military service can be considered equivalent to a high school education and if so, can the DD214 be accepted in lieu of a high school certificate. Mr. Owens added that the DD214 states the military service record, however on newer forms does indicate whether a high school education was obtained.

It was moved by Chief Perry, seconded by Mr. Akiona and unanimously carried to accept the DD214 as verification of a high school education on those forms which indicate "yes" to a high school education and to deem 4 years of military experience as equivalent to a high school education.

10. **Guard Employee Registration Form**

The Board reviewed the Guard Employee Registration application and Mr. Owens and Vice Chairperson Yabuta requested question #5 be deleted from the form.

5. Have you ever been suspended or discharged by an employer?

The Executive Officer responded that the Board may use this information to determine whether the reason for suspension or discharge is related to the profession.

Deputy Attorney General Tam stated that the onus is no longer with the employer, but with the Board as to the fitness of this applicant to obtain a guard registration to act in a guard capacity.

This item was deferred to the next meeting for further discussion.

Next Meeting: Thursday December 13, 2012
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss the meeting adjourned at 12:34 p.m.

Reviewed and approved by:

Taken by:

/s/ Charlene L.K. Tamanaha
Charlene L.K. Tamanaha
Executive Officer

/s/ Christine Hironaka
Christine Hironaka
Secretary

12/6/12

- Minutes approved as is.
 Minutes approved with changes; see minutes of _____.